

**PLANNING AND ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING / PUBLIC HEARING
OCTOBER 18, 2016**

Place: Room 119

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Cameron, Cunningham, Olvany, Rand, Voigt and Sini, Jr.,

STAFF ATTENDING: Ginsberg, Keating
RECORDER: Syat
Channel 79

Chairman Cameron opened the meeting at 8 P.M. and read the first agenda item:

GENERAL MEETING

Amendment of Business Site Plan #99, Bank of America, 1120 Boston Post Road, CBD Zone.
Request to install handicap-accessible ramp in front of the building.

Mr. Ginsberg explained that the proposed amendments are to provide handicap access from the Boston Post Road sidewalk into the front of the building. The handicap ramp will be built to the right of the existing stairs in accordance with the submitted drawings and plans. Commission members noted that the handicap access will be a very minor change to the overall development of the property. The following motion was made: That the Planning & Zoning Commission approve the requested modification of Business Site Plan #99 to accommodate the handicap accessible ramp in the front of the building in accordance with the submitted plans. The motion was made by Mr. Olvany, seconded by Mr. Sini and unanimously approved.

Chairman Cameron then read the following agenda item:

Amendment of Business Site Plan #205-D/Special Permit, 205 Boston Post Road, SB-E Zone.
Request for new tenant in the space formerly occupied by Palmwich.

Commission members reviewed the October 1, 2016 letter from Craig Conners. The letter proposes to change the operation substantially by modifying the existing kitchen to allow all cooking to be on-site. The original approval of March 9, 2010 was very specific that the cooking would be done off site and food would be brought to the site fully cooked and then would be assembled into Palmwiches (like a sandwich) and then reheated as necessary. Mr. Conners submitted a revised letter dated October 17, 2016 in which he indicated that they have changed their mind and will continue to provide virtually all of the cooking off site and so there will be no change to the use or operations compared to the original approval. Commission members reviewed the revised letter and noted that since there are no changes to the use or operation, the proposed change of tenant is acceptable. The following motion was made: That since there is no change of use or operation, the change of tenant is acceptable; however, if there is to be any change in the operation or facilities, it would need prior public hearing and action by the Planning & Zoning Commission. The motion was made by Mr. Voigt, seconded by Mr. Sini. Mr. Voigt, Mr. Sini, Ms. Cameron, Mr. Rand and

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING / PUBLIC HEARING
OCTOBER 18, 2016
PAGE 2 OF 13

Mr. Cunningham were in favor. Mr. Olvany voted against the motion. The motion passed by a vote of 5-1.

Chairman Cameron then read the following agenda item:

Discussion, deliberations, and possible decision regarding:

Business Site Plan Application #64-A/Special Permit, Ring's End, Inc., 159 West Avenue.

Proposing to construct an addition to the front of the existing building and perform related site development activities. *PUBLIC HEARING WAS CLOSED ON: 10/4/2016.*

The following motion was made: That the Planning & Zoning Commission waive the process of reading the draft resolution aloud because each member has had an opportunity to review the draft prior to the meeting. The motion was made by Mr. Voigt, seconded by Mr. Olvany and unanimously approved.

Several minor typos and clarifications were discussed and agreed upon. The following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Voigt, seconded by Mr. Olvany and unanimously approved. The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
October 18, 2016**

Application Number: Business Site Plan #64-A/Special Permit

Street Address: 159 West Avenue
Assessor's Map #40 Lots #1 and #2

Name and Address of
Property Owner(s): Ring's End, Inc.
181 West Avenue
Darien, CT 06820

Name and Address of Applicant &
Applicant's Representative: John Doherty
Doherty & Deleo
c/o 21 Canoe Trail
Darien, CT 06820

Activity Being Applied For: Proposing to construct an addition to the front of the existing building and perform related site development activities.

Property Location: The subject property is on the south side of West Avenue, approximately 200 feet west of its intersection with Old Parish Road.

Zone: Service Business (SB)

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING / PUBLIC HEARING
OCTOBER 18, 2016
PAGE 3 OF 13

Date of Public Hearing: Thursday, September 22, 2016 immediately continued to
Tuesday, October 4, 2016

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: September 9 & 16, 2016

Newspaper: Darien News

Date of Action: October 18, 2016

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of
Action: October 28, 2016

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 660, 1000 and 1020 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the plans, and the statements of the applicant's representative whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials, the Commission finds:

1. The proposal is to construct an addition to the front of the existing building and perform related site development activities. This property was formerly Darien Auto Body, a vehicle repair facility. At the public hearing, the applicant noted that the newly enlarged facility would only be used by vehicles owned by Ring's End, Inc. The facility would not be open to the public.
2. The applicant went before the Architectural Review Board (ARB) on September 20, 2016 regarding both the proposed addition (ARB application #23-2016). The ARB did recommend an alternate roofing option, which was agreed to by the applicant, and a removal of the crown detailing over the garage doors. Electrical wires will be buried. The ARB's comments are outlined in a September 20, 2016 letter to Matthew Dewing of Ring's End, Inc.
3. The location and size of the use, the nature and intensity of the proposed operations involved in the proposed addition, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that the application is in harmony with the orderly development of the district in which it is located.
4. The location and nature of the proposed use, the size and height of the building are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING / PUBLIC HEARING
OCTOBER 18, 2016
PAGE 4 OF 13

5. The location and size of the use and the nature and intensity of the proposed operation conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.
6. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.
7. The elements of the Site Plan, submitted as part of the Special Permit application accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Business Site Plan #64-A/Special Permit is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Site changes shall be in conformance with the plans entitled:
 - Zoning Location & Property Survey 159 West Avenue, prepared for Ring's End Inc., by William W. Seymour & Associates, last revised August 23, 2016.
 - Addition & Alteration to Business Bldg., Rings End. Inc. dated 8-16-2016, Page 1 of 2 and Page 2 of 2.Additional interior modifications may be required to comply with the Fire Safety and Building Codes. Such interior changes can be handled by the Building Official, Fire Marshal and Planning & Zoning Director without further action by the Commission. If further changes are needed to the exterior of the building or the site, then further action by the Commission will be necessary.
- B. The Commission approves the proposed use as a garage and servicing for vehicles used by the Ring's End Company. The applicant has noted that the facility will not be open to the public, and thus, no use or access by the public is hereby permitted. The lower level of the building will be used for storage of vehicles and/or materials by Ring's End. No portion of the building will be a manufacturing or production facility, or be used by or visited by Ring's End customers.
- C. The revised building addition design, façade, and roof, has been recommended by the ARB. The applicant noted at the public hearing that since the use of the facility would be by Ring's End vehicles only, that no sign is desired or proposed at this time.
- D. The approved use is as described in the applicant's narrative. Any change to that specific type of use shall require review and action by the Planning & Zoning Commission.
- E. The proposal is a reduction of impervious surface, since a previous structure in the front of this property has been removed. Thus, since there is no new impervious surface (it is a relatively small addition being constructed over part of the existing parking lot), the Commission is waiving the requirement for addressing stormwater quantity.

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING / PUBLIC HEARING
OCTOBER 18, 2016
PAGE 5 OF 13

- F. The granting of this Special Permit does not relieve the applicant of responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. Zoning and Building Permits are required for the proposed addition.
- G. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- H. This permit shall be subject to the provisions of Sections 1009 and 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (October 18, 2017). This may be extended as per Sections 1009 and 1028.

All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. All completed requirements and materials shall be submitted to the Planning and Zoning Department within 60 days of this action, including the filing a Special Permit form in the Darien Land Records, or this approval shall become null and void.

Chairman Cameron then read the following agenda item:

PUBLIC HEARING

Special Permit Application #292, Town of Darien, 701 Boston Post Road. Proposing to convert the former Community Fund building to a medic station with office space and living quarters. The subject property is located on the northeast side of Boston Post Road, approximately 225 feet east of its intersection with Academy Street, and is shown on Assessor's Map #16 as Lot #59, #60, and #61 and is located in the Municipal Use (MU) Zone.

Mr. Ginsberg explained that the property is owned by the Town and has been used as the offices of the United Way. The proposed Town-operated facility needs Special Permit approval under Section 404e of the Zoning Regulations. Kathleen Buch, Town Administrator, explained that the proposed use is for a paramedic to be stationed at the site so they will have easy access to all parts of town. As far as the Board of Selectmen is concerned, the use of the site is to be considered permanent as opposed to temporary. This facility will be in addition to the Post 53 site on Ledge Road.

Ms. Cameron noted that the building is already in place and the parking is on the site, adjacent to the Old Town Hall Homes. The senior housing and the Maplewood facility are located close to the proposed paramedic facility. Mr. Voigt asked about the anticipated parking needs. Mrs. Buch said that they will anticipate only needing one or two parking spaces at the site at any given time. She said that the paramedic workers will drive to the site in the "fly car" which is the vehicle that responds to emergencies. There are five parking spaces reserved for this building as part of the Old Town Hall housing development. Having the facility in this location allows easy access to all parts of the community. The fly car will respond to emergencies but will not use its sirens until it is on the Boston Post Road. It will not exit through the Old Town Hall housing facility via Academy

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING / PUBLIC HEARING
OCTOBER 18, 2016
PAGE 6 OF 13

Street. She said that this facility merely houses the emergency response personnel. It does not involve treating the patients at the site. Mr. Sini asked if a carport will be built on the site to protect the fly car during inclement weather. Mrs. Buch said they are currently looking into the installation of a carport; however, they want to get the facility approved as soon as possible. If a carport is proposed, they will come back to the Planning & Zoning Commission for further review of that plan.

Jayne Stevenson, First Selectman, said that the proposed paramedic facility at this site will address the geographic diversity concern (of having Post 53 located on the western part of Town). She felt that a carport should be constructed at the site and noted that the Selectmen are working on that project. She said that this existing building is a simple, small space that is needed to house the paramedic so that they can be dispatched to all parts of Town. She noted that the paramedic will spend much of the day at Post 53's facility providing training. Office and rest and sleeping quarters will be provided at 701 Boston Post Road.

There were no comments from the public regarding the application. The following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter and will render a decision at a future meeting. The motion was made by Mr. Cunningham, seconded by Mr. Voigt and unanimously approved.

Chairman Cameron then read the following agenda item:

Continuation of Public Hearing regarding Special Permit Application #266-A, Site Plan Application #279-A, Land Filling & Regrading Application #259-A, Maplewood at Darien, 581-599 Boston Post Road. Proposing to demolish the building at 581 Boston Post Road; combine the property with 599 Boston Post Road; and to construct an addition to the existing Assisted Living and Memory Care building--with units for both traditional assisted living and for memory care; to create underground parking, and to perform related site development activities. The subject properties are on the north side of Boston Post Road, approximately 285 feet east of the intersection of Brookside Road, and are shown on Assessor's Map #14 as Lots #33 (599 Boston Post Road) and #34 (581 Boston Post Road) and are located in the DB-2 and R-1/2 Zones.

Mr. Ginsberg said that the Maplewood representatives are still working on revised plans and he recommended that the public hearing on this matter be continued on November 1, 2016. Commission members agreed to continue the public hearing at 8 P.M. in Room 206 or other meeting room on November 1, 2016.

Chairman Cameron then read the following agenda item:

Coastal Site Plan Review #315, Flood Damage Prevention Application #361, Land Filling & Regrading Application #394, 53 Contentment Island LLC, 53 Contentment Island Road. Proposing to construct a new, replacement single-family residence with associated septic system and regrading; and to perform related site development activities within regulated areas. The subject property is located on the south side of Contentment Island Road, approximately 1,400 feet south of its intersection with Shennamere Road, and is shown on Assessor's Map #68 as Lots #17-21, in the R-1 Zone.

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING / PUBLIC HEARING
OCTOBER 18, 2016
PAGE 7 OF 13

Attorney Wilder Gleason represented the property owner, who acquired the property in July 2015. He said that it is on the southeast tip of Contentment Island Road and includes approximately three acres of total land area. The house that was built in the 1950's had approximately 3,000 square feet and has been removed from the property.

Attorney Gleason submitted color copy handouts of the existing conditions and features. The orange line represents the zoning setback and the blue line represents the 100 foot Coastal Area Management Critical Review Area. He noted that there are tidal wetlands and a beach on the site and that the current Flood Zone designations appear to be incorrectly depicted on the FEMA maps. He said that there is spine of high area with ground elevation of 28 in the southeast portion of the property. That spine runs in a southwesterly direction down to sea level. Attorney Gleason submitted 11" x 17" copies of the proposed map. He said that the house would be located in a portion of the property that should be designated AE 15 Flood Hazard Zone. The first floor of the house would be approximately 17 or 19 feet above elevation zero (0) as established by North American Vertical Datum 1988 (NAVD 88). The lower level would contain tandem garage spaces for five vehicles. The lower level would have flood vents. The total habitable space within the house would be approximately 10,000 square feet and the building would be served by public water service and by an on-site septic system. He said that the septic system design has been review and approved by the Darien Health Department.

Attorney Gleason said that the proposed lap pool would be on the south side of the house and would be within 100 feet of Mean High Water. After the proposed filling is completed, the house will be located in a portion of the property that could be rezoned as Flood Hazard Zone X if they get their Letter of Map Amendment (LOMA) approved by FEMA. In response to questions, he said that approximately 30-40% of the house is within the 100 foot Coastal Area Management critical area. Mr. Voigt said there is lots of room to pull the house and pool back so that neither one of them would be within the critical area adjacent to the coastal resources. Attorney Gleason said that there are no coastal resources other than the rocky shorefront and that the State Statutes allow an exception from the Coastal Area Management Review for the construction for a single-family house. He said that it is Darien's Regulations that are so strict regarding construction within 100 feet of Mean High Water. Attorney Gleason said the plan has a 12' x 60' lap pool located between the house and Long Island Sound. The outside of the lap pool would have a four foot high stone wall that would be visible from Long Island Sound.

Attorney Gleason said that it will also be a 22' x 22' detached storage and utility building to the east of the proposed house. The ground floor of that structure will be used for storage purposes only and the upper level will contain mechanical equipment and pool equipment that need to be elevated above the expected flood level. They are also seeking approval from the Army Corps of Engineers and CT Department of Energy & Environmental Protection (DEEP) to re-locate the existing pier and float. Attorney Gleason said that the house construction and installation of the septic system and drainage systems will require the removal of 28 large trees, 25 of which are recommended by the arborist to be removed.

Janice Parker, Landscape Architect, said that three healthy trees need to be removed due to their proximity to the proposed development. Many of the trees to be removed have previously been damaged by storms or the high salt content of the air. She said that they are planting 37 new trees, including salt tolerant coastal appropriate trees. They are doing work to remove invasive plants

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING / PUBLIC HEARING
OCTOBER 18, 2016
PAGE 8 OF 13

such as bamboo from the nearby tidal wetlands. In response to questions, she said that oak trees in this area can survive for 50 years. Attorney Gleason said that in addition to the 37 trees that Ms. Parker mentioned, they are planting 25 holly trees for screening along the easterly property line.

Doug DiVesta, Professional Engineer, explained that the proposed septic system will be located on the west side of the property. He said that the soil tests indicate that it is a very sandy material in that area. He said the septic system would be 60 feet or more from mean high water and would not be on the nearby beach. Mr. DiVesta said that storm water is being properly managed with respect to water quality, but they are not detaining any water (dealing with storm water quantity.) The storm water quality system is designed to handle the first inch of rain and runoff from the driveway and the parking court and the roof areas of the house. Water will be directed into the lower portion of the property which is on the west side of the site. Mrs. Cameron asked if any trees were being removed for the storm water quality system. Ms. Parker said that any of the trees near that drainage system might need to be trimmed, but they will work with the arborist to protect and preserve those trees.

Mr. DiVesta said that the storm drainage system has been over designed because he is a conservative engineer. In response to questions, he said that they will be cutting approximately 1,602 cubic yards of existing material and filling approximately 1,383 cubic yards of material. There is a net of approximately 218 cubic yards of extra cut. This will require approximately 14 truckloads of excess material to be hauled off the site.

Mr. Sini expressed his concern about the extent of work within the 100 foot coastal area management boundary and about the blasting and excessive rock removal and the work within the flood hazard zone. Mr. Gleason said that he had discussed the Sherwood property on Long Neck Point Road with the staff and is aware of the Commission's concerns regarding work in the 100 foot coastal zone boundary. Mrs. Cameron felt that it would be appropriate to redesign the proposed development to save more of the existing trees on the site. Mr. Voigt said that if ledge rock is being removed, then it will not allow a truck to carry 20 cubic yards of excavated material. Mr. DiVesta said that for excavated ledge rock, it should use 10 to 12 cubic yards of rock being hauled in each truck load. He said it really depends on the size and weight of the rocks. Mr. DiVesta reviewed the sediment and erosion control plan and noted that silt fences and staked hay bales would be surrounding the site development work. He said a lot of the backfill material from the house will be material that has been excavated from the property. Attorney Gleason said that they will not be processing or crushing rock on the site. Mrs. Cameron said that she is very concerned about the large number of trucks that would need to enter and exit the site due to the proposed regrading of the property. It was mentioned that the ledge rock located next to the house would remain intact. They could also make the parking court in front of the house of permeable material on crushed stone or gravel so that it would not create any water runoff.

Azure Dee Sleicher, Professional Engineer, reviewed the coastal resources information. She said that there is a modified bluff and beach and dunes on the property in addition to the rocky shorefront. She said there are some tidal wetlands on the site, but none of these coastal resources will be significantly impacted by this proposed single family replacement residence. She explained that the existing Flood Insurance Rate Map produced by the Federal Emergency Management Agency is not consistent or accurate with respect to the actual ground elevations and areas that will flood. Her firm has conducted an independent review and analysis using the FEMA formulas and

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING / PUBLIC HEARING
OCTOBER 18, 2016
PAGE 9 OF 13

will be seeking a corrective letter of map amendment (LOMA) from FEMA to indicate the actual flood hazard areas and seeking to amend those areas due to the proposed site work. She said that the conditional letter of map amendment (CLOMA) was submitted earlier in the day for FEMA review.

Attorney Gleason said that the Fire Marshal has suggested the installation of a fire hydrant closer to the house. He said that the applicant will incorporate that into the plans. He said that the Fire Marshal has also suggested the use of sprinklers in the house. He said at this time the applicant is not willing to commit to the use of sprinklers within the house.

Mr. Ginsberg indicated that the maps and plans and application materials have been referred to the Connecticut Department of Energy and Environmental Protection (DEEP). No comments have been received from DEEP. Commission members expressed their concern about the extensive work within the 100 foot coastal area management boundary. They suggested that the house and pool designs be modified to be more in keeping with the Regulations and the CAM policies. They determined that it would be appropriate to continue the public hearing. They selected November 15th at 8:00 P.M. in the Town Hall as the continuation date. Attorney Gleason said that if an extension of time is necessary, he will grant it on behalf of the applicant. The hearing will be continued on November 15th.

Chairman Cameron then read the following agenda item:

Special Permit Application #291, Brad & Ashley Katsuyama, 6 Windsor Road. Proposing to install a sport court with associated stormwater management and to perform related site development activities. The subject property is on the east side of Windsor Road, approximately 225 feet south of its intersection with Greenleaf Avenue, and is shown on Assessor's Map #26 as Lot #67 and is located in the R-1 Zone.

Jeffrey McDougal of William W. Seymour & Associates explained that the proposed sports court would be located on a concrete slab on the southeast corner of the property. He said that there is other work going on the property at this time. That work includes a large addition to the home and construction of a swimming pool. Both of those projects needed administrative permits from the staff, but did not require approval from the Commission. Mr. McDougal explained that the storm water drainage system for all of the construction work (the house addition, the pool, and the proposed sports court) has been taken into account by the design engineer and will be installed north of the pool and sports court. He said that much of the site disturbance and site work is needed for the other aspects of the project. Mr. Ginsberg said that the Department of Public Works/Town Engineering Department has reviewed the plans and has had no negative comments.

In the discussion that followed, it was noted that the sports court is an already flat area in the back yard. No lighting of the sports court has been requested and none is allowed. The sports court will not have a fence surrounding it, but there will be a pool safety fence surrounding a substantial portion of the yard. It was also noted that a detailed planting plan has been submitted. It will provide screening of the sports court from the neighboring properties.

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING / PUBLIC HEARING
OCTOBER 18, 2016
PAGE 10 OF 13

There were no comments from the public. The following motion was made: That the Commission close the public hearing regarding this matter and will render a decision at a future meeting. The motion was made by Mr. Olvany, seconded by Mr. Sini and unanimously approve.

Chairman Cameron then read the following agenda item:

Land Filling & Regrading Application #393, Almond & Carol Nickerson, 20 Robin Hood Lane.

Proposing to fill and regrade in association with the construction of a replacement single-family residence and associated in-ground pool, and to perform related site development activities. The subject property is located on the northwest side of Robin Hood Lane approximately 525 feet north of its intersection with Sedgwick Avenue, and is shown on Assessor's Map #17 as Lot #75 in the R-1/3 Zone.

Attorney Robert Maslan represented the applicant and submitted a packet of photographs depicting the existing site conditions. He said that the proposed addition to the house and replacement of the garage will require regrading of the property because the new garage will be at a much higher elevation than the old driveway. He said that a watercourse flows from the north to the south on the western portion of the site. There is a wetland corridor surrounding the watercourse. He said that they have applied for a permit from the Environmental Protection Commission. The EPC hearing has been closed but they have not yet rendered a formal decision, although it appears that they will be issuing a permit in the near future.

Attorney Maslan said that there is the existing drainage pipe that flows from the Robin Hood Lane terminus toward the watercourse on the western portion of the site. There is an easement that covers the first portion of the pipe from the street. Subsequent to the creation of the easement for the pipe, it appears that the pipe was extended toward the watercourse. There is no easement for this westerly portion of the pipe. He said that as part of the plan, they will relocate the storm drainage pipe so that it is closer to the southerly boundary of the property and they will create an easement that covers the entire length of the pipe. Attorney Maslan said that much of the proposed regrading is for the proposed driveway and a portion of the regrading is for the proposed 12' x 24' pool.

Rob Sounichen, P.E., explained that the site drops from Elevation 88 along the street down to Elevation 76 near the watercourse. The proposed house is approximately halfway between the high point and the low point. As previously noted, part of the project involves relocating the pipe and to create a drainage easement that is not in the driveway. He said that the pool needs approximately 98 cubic yards of material to be excavated and approximately 44 cubic yards of fill will be used on the site. He said that hydraulic hammering will be used to remove any rock that they encounter.

Commission members noted that there is a proposed six foot high retaining wall on the south side of the proposed driveway. That is approximately 3 foot higher than the existing wall in that vicinity. Mr. Sounichen said that the driveway is designed to pitch from the proposed garage down toward Robin Hood Lane so that water from the driveway will enter the catch basin at elevation 87.04. Mrs. Cameron said that the plans need to be more specific about those grades because the area will become so flat. It might also be necessary to relocate the catch basin or put in an additional catch basin. In response to questions, Mr. Sounichen said that they did use the open meadow calculations

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING / PUBLIC HEARING
OCTOBER 18, 2016
PAGE 11 OF 13

for the drainage system for the proposed construction activity. They are proposing to install a series of underground infiltrators so that water from the roof area of the house and patio and garage will be directed to the structures behind the house and will be allowed to percolate into the ground at that point. He said that only the water from the driveway would be directed toward Robin Hood Lane where it would then enter the catch basin and the pipe and be directed toward the brook. He said that the capacity of that drainage system exceeds 5 inches per hour, and therefore they will not be surcharging the drainage system. He said that no water from the old or new driveway will be directed toward the neighbor to the south.

Joe Canas, Professional Engineer from Tighe & Bond, explained that he had been hired by the Town to peer review the application. He said that he had sent a number of letters to the applicant's engineer and has received comments as recently as October 5th. He said that all of his comments and concerns have been addressed.

Project Architect, Jacek Bigosinski, explained that the proposed house will have approximately 4,844 square feet of finished area, including the basement. It will contain five bedrooms and three bathrooms. Part of the rear portion of the house will be a walkout basement. The overall building height will be 29'10", which is lower than the maximum 30' allowed by the Regulations.

There were no comments from the public regarding the application. Mrs. Cameron said that the Commission has received the letter from Glen Balanoff of 10 Robin Hood Lane asking the Commission to make sure that the proposed regrading and drainage modifications will not affect his property. She wondered whether flooding from the stream is a concern or not.

Attorney Maslan said that any work within the street right-of-way, including the revised driveway, filling and regrading, and changes to the catch basin will need a permit from the Department of Public Works. They will review the plans and make sure that the engineering will be adequate.

There being no further comments, the following motion was made: That the Commission close the public hearing regarding this matter and will render a decision at a future meeting. The motion was made by Mr. Olvany, seconded by Mr. Sini and unanimously approved.

Mrs. Cameron stepped off the Board regarding the next matter in order to avoid any perception of a conflict of interest. She left the room. Mr. Olvany served as acting Chairman and read the following agenda item:

Flood Damage Prevention Application #360. "Tony" Li, 55 Brookside Drive. Proposing to fill and regrade adjacent to the existing residence and perform related site activities within a regulated area. The subject property is located on the east side of Brookside Drive, approximately 825 feet north of its intersection with Anthony Lane, and is shown on Assessor's Map #47 as Lot #7 and is located in the R-1/5 Zone.

Mr. Ginsberg explained that this project involves a minor amount of filling on the front and side portions of the existing house. Only those portions of the house are touched by the flood zone. The applicant proposes to do a slight amount of regrading so that the flood waters would not come in contact with the house location. If the Commission approves the project, then the applicant will implement the filling and regrading. The applicant will then apply to the Federal Emergency

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING / PUBLIC HEARING
OCTOBER 18, 2016
PAGE 12 OF 13

Management Agency for a Letter of Map Amendment (LOMA) to confirm that the house would no longer be in the flood hazard area.

Steve Danzer represented the applicant and said that there is less than a foot of depth of proposed fill around the front and sides of the house. The total amount of filling will be five cubic yards or less. He submitted photographs of the existing conditions and confirmed that they would need to apply to the Federal Emergency Management Agency for a Letter of Map Amendment (LOMA) once the filling has been completed and documented.

There were no comments from the public regarding the application. The following motion was made: That the Commission close the public hearing and will render a decision at a future meeting.

Chairman Cameron returned to the meeting and read the following agenda item:

Flood Damage Prevention Application #362, Land Filling & Regrading Application #395, Wesley & Kristine Depp, 11 Holly Lane. Proposing to raze the existing dwelling and to construct a new replacement single-family residence and to perform related site development activities within a regulated area. The subject property is on the north side of Holly Lane, approximately 750 feet north of its intersection with Middlesex Road, and is shown on Assessor's Map #9 as Lot #146 and is located in the R-1 Zone.

John Sini said that he would not participate in any discussions regarding this matter in order to avoid any perception of a conflict of interest. He departed the meeting.

Doug DiVesta, Professional Engineer, represented the applicant and explained that this is a one acre plus site on an unnamed brook that feeds into Stony Brook. The proposed work involves removing the existing house and replacing it with a new structure. The plan had been reviewed by the Environmental Protection Commission and they issued their permit on June 1, 2016 for work within the regulated area around the wetlands. Mr. DiVesta explained that there will be two bio-retention areas created on the north side and southwest sides of the property. These bio-retention areas will receive a surge of storm water runoff and the plants in those low areas will be able to survive the inundation of extra water. He said that they are asking for a waiver of the normal requirement for complete on-site detention due to the soil conditions of the subject property and its proximity to the brook, and the high ground water conditions. He said that the time of concentration for the uphill watershed to this point in the watershed is approximately 79 minutes. He said the time of concentration for the subject property is only 6 minutes. Therefore, it is more efficient that they channel the water away from the property as quickly as possible so that they do not have a coinciding concentration of water. He said that the water from this site constitutes 1% or less of the total flow of the watershed. He said that the main channel of Stony Brook is approximately 150 feet away from this property and it would be best to get the storm water to Stony Brook as quickly as possible.

In response to questions, Mr. DiVesta said that the proposed house will not have a full basement. Instead, it will have only a crawl space, and therefore will not displace nearly as much water as a full basement would. The house will be in the flood hazard zone, and therefore will have flood vents to allow an equalization of pressure on the inside and outside of the foundation during flood occurrences. He said that when the EPC approved the plans, the house design was by a different

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING / PUBLIC HEARING
OCTOBER 18, 2016
PAGE 13 OF 13

architect. Since that time, a new architect has been hired and there are only slight changes to the length of the walls in the front and rear of the design.

Mr. DiVesta reviewed the sediment and erosion control plan and the tree protection plan. He noted the trees in the perimeter of the site will need to be protected during the construction activity and that he will be revising and reducing the amount of driveway from the northeast side of the proposed house. He noted that the proposed work is in the fringe of the flood hazard zone and that they will be using approximately 700 cubic yards of fill material. He reiterated that they are asking for a waiver of the storm water detention requirements as contained within Section 880.

Joe Canas, Professional Engineer from Tighe & Bond, explained that he had been hired by the Town to conduct a peer review of the proposed plan. He noted that he had several correspondences with the applicant's engineer. He agrees with the request for a waiver due to the site conditions and circumstances.

In response to questions, Project Architect James Schettino said that the house would have approximately 5,600 square feet of finished space and would contain 5 bedrooms and 5 bathrooms. He confirmed that flood vents would be incorporated into the crawl space area.

There were no comments from the public regarding the application. The following motion was made: That the Commission close the public hearing regarding this matter and will render a decision at a future meeting. The motion was made by Mr. Cunningham, seconded by Mr. Voigt and unanimously approved.

There being no further business, the following motion was made: That the meeting be adjourned. The motion was made by Mr. Olvany, seconded by Mr. Cunningham and unanimously approved. The meeting was adjourned at 10:45 P.M.

Respectfully submitted,

David J. Keating
Assistant Director of Planning

10.18.2016min